

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL BEHAYLO,)	
Plaintiff)	
)	
vs.)	CIVIL ACTION NO.: 05-30178-MAP
)	
)	
THE TOP-FLITE GOLF COMPANY,)	
Defendant)	

OPPOSITION TO MOTION TO STRIKE DESIGNATION OF EXPERT

Defendant has filed a motion to strike the plaintiff's designation of expert economist Dr.

Craig Moore. Plaintiff appeals the motion for the following reasons:

1. Plaintiffs designated Dr. Moore and provided Dr. Moore's complete opinion on a timely basis. This is not disputed. It is true that the submission was not signed and did not include Dr. Moore's CV and list of testimony. At the time, plaintiffs' counsel unexpectedly discovered that Dr. Moore was out of state. Counsel could not obtain the signatures or a current CV and testimony list, and so submitted only the opinion, not believing that defendant would object to receiving only the non-substantive materials late. Dr. Moore is a well known expert witness who has appeared in numerous local cases and his credentials are well established.
2. Plaintiff did supply the signed opinions and the updated CV and testimony list on January 8, 2008. The report did disclose the hourly rate and Dr. Moore has not yet provided a bill to show all compensation.
3. The objection is purely technical and non-substantive. Defendants have not and will not be prejudiced in any way. Defendants have plenty of time to depose Dr. Moore whose report goes only to economic damages and is not a highly technical or scientific set of materials.

THE PLAINTIFF, MICHAEL BEHAYLO
BY HIS ATTORNEY

Dated: January 18, 2008

/ S / Maurice M. Cahillane
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served this 18th day of January, 2008 on all parties, by hand delivery or First Class Mail, postage prepaid, to Jay M. Presser, Esq., Skoler, Abbott & Presser, 1 Monarch Place, Springfield, MA 01144

/ S / Maurice M. Cahillane
Maurice M. Cahillane